



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

September 29, 1988  
AO-88-27

John Stewart  
Alderman  
Board of Alderman  
Newton, MA 02159

Dear Mr. Stewart:

This letter is in response to your recent request for an advisory opinion concerning the legality of a municipality providing mailing labels to candidates for city office.

You have stated that you would like to introduce a measure in the City of Newton which would have the City provide free mailing labels to candidates for city offices such as mayor, alderman and member of the school committee. You have further stated that the purpose of providing such labels would be to encourage more people to run for public office by reducing, slightly, the cost of campaigning. You would expect candidates to account for this contribution on their campaign reports.

M.G.L. c.55 governs the regulation of campaign finance activity in Massachusetts and sets forth requirements for contribution limits as well as disclosure and reporting requirements. There are no provisions in M.G.L. c.55 regarding contributions made by municipalities to candidates. The Supreme Judicial Court, in Anderson v. City of Boston, 380 N.E. 2d 628 (1978), stated that M.G.L. c.55 was "intended to reach all political fundraising and expenditures within the Commonwealth. The absence of any reference to municipal corporations is significant, not as an indication that municipal action . . . be exempt from regulation, but rather as an indication that the Legislature did not even contemplate such municipal action could occur."

Therefore, this office is of the opinion that in-kind contributions consisting of mailing labels made by the City of Newton to various candidates for city office would be prohibited under M.G.L. c.55. Candidates, however, would be permitted to purchase such labels from the City provided (1) all candidates were given an equal opportunity to make such a purchase and (2) the purchase price reflected the actual

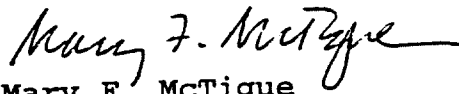
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cost to the City of preparing and printing such labels. The candidates who made such purchases would be required to report the expenditures made therefor on their campaign finance reports.

This opinion has been rendered solely on the basis of the representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,

A handwritten signature in cursive script, reading "Mary F. McTigue". The signature is written in dark ink and is positioned above the typed name and title.

Mary F. McTigue  
Director